

Applicant: Steven Soloff, et al.
Serial No.: 09/733,229
Page 10

REMARKS

Claims 1-37 are now pending in this application. Claims 1, 12, 24, 28 and 37 have been amended in order to more clearly recite the subject matter of the present invention. Applicants respectfully submit no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

The Examiner has objected to claim 37, line 3, for failure to underline an added claim limitation. As set forth above, Applicants have amended claim 37 in accordance with the Examiner's comments. Amended claim 37 now obviates this objection; therefore, Applicants respectfully request withdrawal of this objection.

Claims 1, 3-7, 9, 12, 14-19, 21, 24, 25 and 27-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,675,385 to Wang (Wang) in view of U.S. Patent No. 5,668,591 to Shintani (Shintani).

Claims 8, 10, 11, 20, 22, 23 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang and Shintani as applied to claims 9, 21 and 36 above, and further in view of U.S. Patent Application No. 2002/0069416 to Stiles (Stiles).

Claims 2, 13 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang and Shintani as applied to claims 1, 12 and 24 above, and further in view of U.S. Patent No. 6,606,746 to Zdepski et al. (Zdepski).

103 Rejection based on Wang and Shintani

Wang

Wang relates to electronic program guides for digital television systems where the program guides are transmitted in hypertext markup language (HTML) in an MPEG digital television

Applicant: Steven Soloff, et al.
Serial No.: 09/733,229
Page 11

system. The Wang program guides include a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream.

Shintani

Shintani relates to an information terminal apparatus for downloading the latest application software via a network of a cable television or uploading data from a user terminal. The Shintani terminal apparatus attempts to ensure enhanced operational facility and realizing easier maintenance of software required for a variety of services.

The Office Action states that Wang discloses a number of features recited in claim 1, however Wang fails to disclose a memory within the viewing device and the viewing device connected to the IRD via a low speed serial data port to the IRD. The Office Action cites to Shintani for disclosing an information receiving system, where a cable box downloads information from a center and transfers the information to a remote unit. The Office Action further states that the information is transferred over an infrared port for storage on the remote unit. The Office Action states, in conclusion, that it would have been obvious to modify the Wang system to include a memory within the viewing device and to connect the viewing device via a low speed serial data port to the IRD, all as taught by Shintani.

To establish prima facie obviousness of a claimed invention, all claims limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Claims 1, 3-7, 9, 12, 14-19, 21, 24, 25 and 27-36 stand rejected as being obvious in view of Wang and Shintani. As set forth above, Applicants have amended independent claims 1, 12, 24 and 28 to clearly recite the serial connection as a hardwired RS-232 serial connector between the IRD and viewing device. The Office Action states that Shintani teaches a serial connection between the IRD and viewing device as recited in the independent claims of the present invention. Contrary to the

Applicant: Steven Soloff, et al.
Serial No.: 09/733,229
Page 12

Examiner's contentions, Shintani fails to teach, suggest or disclose a serial connection as now recited in amended claims 1, 12, 24 and 28. Amended claims 1, 12, 24 and 28 now recite the further feature of a hardwired RS-232 serial connector and address the Examiner's comments on pages 17 and 18 of the Office Action.

Shintani, as shown in Figures 1 and 2, teaches the transfer of information between a cable box 1 and an intelligent remote control unit 10. Although, the remote control unit 10 shows a display 14 in Figure 2, the transfer of information between the cable box 1 and the remote control unit 10 simply does not equate to the serial connection between the IRD and viewing device as recited in the claims of the present invention. The transmission of information between cable box 1 and remote control unit 10 is performed by a radio means using infrared rays, electric waves or ultrasonic waves, see Column 3, lines 54-57. The present invention recites a serial connection via a low speed data port using the hardwired RS-232 serial connector; see amended claims 1, 12, 24 and 28. The claims of the present invention do not recite nor does the supporting specification describe the use of infrared rays, electric waves or ultrasonic waves for a wireless connection as taught in Shintani. As recited in the amended claims, the present invention provides a separate and distinct low speed serial data port for the transfer of data via the serial connection to a viewing device. Shintani, in contrast, describes a wireless transfer between the cable box and remote control unit. Shintani clearly does not teach, suggest or describe the serial connection as recited in the amended claims of the present invention. Furthermore, Wang does not cure the deficiencies associated with Shintani. The Office Action clearly states that Wang discloses the structure associated with a DSS terrestrial satellite communications network that transmits a program guide in HTML. Wang clearly does not disclose, teach or suggest any of the features recited at the user end of the present invention.

Applicants, therefore respectfully submit that the combination of Wang and Shintani fails to

Applicant: Steven Soloff, et al.
Serial No.: 09/733,229
Page 13

render amend claims 1, 12, 24 and 28 obvious, due to the failure of Wang and Shintani to teach, suggest or disclose each feature of the amended claims. Furthermore, Wang and Shintani also fail to render claims 3-7, 9, 14-19, 21, 25, 27 and 29-36 obvious since claims 3-7, 9, 14-19, 21, 25, 27 and 29-36 depend, respectively, from the allowable subject matter of amended claims 1, 12, 24 and 28. Based on the foregoing, Applicants respectfully request withdrawal of this rejection.

103 Rejection based on Wang, Shintani and Stiles

Claims 8, 10, 11, 20, 22, 23 and 37 stand rejected as being unpatentable over Wang and Shintani as applied to claims 9, 21 and 36 above, and further in view of Stiles. Stiles relates to a method and apparatus that provides multipoint to multipoint hierarchical redistribution of multimedia content. The Office Action cites to Stiles for the disclosure of a second network computer for processing, formatting and storing information to enable EPG in a television system. As stated above, the combination Wang and Shintani fails to render amended independent claims 1, 12, 24 and 28 obvious, due to the failure of Wang and Shintani to teach, suggest or disclose each feature of the amended claims. Stiles fails to cure the deficiencies associated with Wang and Shintani as applied to claims 9, 21 and 36. Claims 8, 10, 11, 20, 22, 23 and 37 depend, respectively, from the allowable subject matter of amended claims 1, 12, 24 and 28, and therefore stand allowable for at least the same reasons as set forth above in regard amended claims 1, 12, 24 and 28. Accordingly, based on the foregoing, Applicants respectfully request withdrawal of this rejection.

Applicant: Steven Soloff, et al.
Serial No.: 09/733,229
Page 14

103 Rejection based on Wang, Shintani and Zdepski

Claims 2, 13 and 26 stand rejected as being unpatentable over Wang and Shintani as applied to claims 1, 12 and 24 above, and further in view of Zdepski. Zdepski relates to a method and apparatus that provides a graphical user interface (GUI) in an interactive television system. The Office Action cites to Stiles for the disclosure of a viewing device, such as a home computer, to display received television programming. As stated above, the combination Wang and Shintani fails to render amended independent claims 1, 12, 24 and 28 obvious, due to the failure of Wang and Shintani to teach, suggest or disclose each feature of the amended claims. Zdepski fails to cure the deficiencies associated with Wang and Shintani as applied to claims 1, 12 and 24. Claims 2, 13 and 26 depend, respectively, from the allowable subject matter of amended claims 1, 12, 24 and 28, and therefore stand allowable for at least the same reasons as set forth above in regard amended claims 1, 12, 24 and 28. Accordingly, based on the foregoing, Applicants respectfully request withdrawal of this rejection.

Applicant: Steven Soloff, et al.
Serial No.: 09/733,229
Page 15

CONCLUSION

Based upon the foregoing amendment and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Prompt allowance of all pending claims is therefore requested.

Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Georgann S. Grunebach, Registration No. 33,179
Attorney for Applicants

Date: April 8, 2005

The DIRECTV Group, Inc.
RE / R11 / A109
P.O. Box 956
2250 E. Imperial Highway
El Segundo, CA 90245-0956

Phone: (310) 964-4615